

**Skye Sue - Legal Services Manager**

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**From:** Skye Sue - Legal Services Manager  
**Sent:** 10 July 2008 11:11  
**To:** 'Jacqueline Haines'  
**Cc:** Radway Patricia - Head of Governance; Mellor Peter - Company Secretary  
**Subject:** RE: GWMH - first meeting of wider group chaired by Richard Samuel 70708

Thanks Jacquie. Steps are being taken by all the organisations involved to find the transfer documents.

Your offer of support is noted and no doubt Patricia will take this back to the next meeting for consideration.

Sue Skye  
 Legal Services Manager  
 Portsmouth Hospitals NHS Trust

**Code A**

-----Original Message-----

**From:** Jacqueline Haines **Code A**  
**Sent:** 10 July 2008 10:59  
**To:** Skye Sue - Legal Services Manager  
**Cc:** Radway Patricia - Head of Governance; Mellor Peter - Company Secretary  
**Subject:** RE: GWMH - first meeting of wider group chaired by Richard Samuel 70708

Dear Sue

Thank you for keeping me informed. I am delighted that the meeting on Monday appears to have been so successful.

I note the suggestion that there should be one set of legal advisers and that would seem to make sense in terms of avoiding duplication of effort and of course keeping costs down. I also note the suggestion that costs should be divided equally between PHT and Hants PCT.

For reasons other than financial PHT may decide that this is an approach that you would wish to agree to. If however you take the view that the costs should be met by the organisation with legal responsibility for this significant piece of work I would strongly suggest that steps should be taken as a matter of urgency to establish which organisation has inherited the legal liability. I believe the important documents to locate are the Transfer of Property Orders. The chain of responsibility will of course need to be traced back as far as the dissolution of Portsmouth Healthcare NHS Trust. The difficulty is of course that PHT would not be party to most of these transfers and you are therefore reliant on others to produce them. I am unsure of how the Transfer of MOPS to PHT took place but presumably this knowledge must be held within PHT, the responsibility then needs to be traced back through the various organisations responsible for the different parts of the service back to 1998. We can of course advise you further once those documents have been located. As there is no reason why PHT should have these earlier documents I do not think there should be any concern about seeking the assistance of the SHA or DH.

The best outcome for PHT would be for Hants PCT or others to be found to be legally responsible for costs of the inquest. Then all that would be required would be some legal and pastoral support for those PHT staff involved. However if a decision is made by PHT and Hants PCT to jointly instruct lawyers Mills and Reeve would obviously be delighted to act. The preparations for the inquest would obviously amount to a significant and very interesting piece of legal work for us and to ensure that we provided you with the appropriate level of support we would propose that the Mills and Reeve team would comprise of Stuart Knowles, a former health

10/07/2008